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VARIAN, INC.

NO. 0597 P. 1

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To Commissioner for Patents

Company UNITED STATES PATENT AND TRADEMARK OFFICE

Fax number 1.703.872.9306

From Edward H. Berkowitz

Date June 30, 2005

Subject US Patent Application No. 10/820,621

Filing Date: April 8, 2004

Varian Docket No. 98-51 US



Pages (including this sheet) 3

I, Debbie Kus, hereby certify that on June 30, 2005 this  
correspondence is being transmitted by facsimile to the Commissioner  
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6/30/05

Date Signed

Please see the attached response to the Requirement for Restriction and Election of Claims for the  
above referenced patent application.

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JUN. 30. 2005 7:00AM

VARIAN, INC.

NO. 0597 P. 2

DOCKET NO.: 98-51 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Phillip A. Hornung

Examiner: Arana, L.M.

Serial No.: 10/820,621

Art Unit: 2859

Filed: April 8, 2004

For: OPTIMIZED CHANNEL  
CONTROLLER FOR NMR  
APPARATUS

I, Debbie Kus, hereby certify that on June 30, 2005 this correspondence  
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*Debbie Kus* 6/30/05  
Signature Date Signed

Commissioner for Patents  
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RESPONSE TO REQUIREMENT FOR RESTRICTION  
AND ELECTION OF CLAIMS

Sir:

In response to the Requirement for Election mailed June 3, 2005 for the above  
application, Applicant responds herein:

**Mandatory Election**

As required by 35 USC §121, Applicant elects the group I of claims comprising  
claims 1-13 and 17- 20 with traverse.

**Remarks**

The MPEP at paragraph 803 states that

"If the search and examination of an entire application can be made without  
serious burden, the examiner must examine it on the merits, even  
though it includes claims to independent or distinct inventions."

A search directed to the claims of group II is necessarily identical to the search  
directed to group I. The common subject matter is the controller that is identified by the  
Examiner as a sub-combination and which is expressed again in claim 14. Indeed, Applicant  
has suggested that the fields of "frequency agile radar, arbitrary radio frequency (RF)  
generation, pulsed magnetic field sources and time domain instrumentation" enjoy a  
commonality of relevance with the instant work. Applicant welcomes a searching

JUN. 30. 2005 7:01AM

VARIAN, INC.

NO. 0597 P. 3

DOCKET NO.: 98-51 US

examination based upon references from any of these fields or others that the Examiner may find relevant.

Efficient operation of the patent prosecution process is beneficial to the tax-paying public, the Examiner, Applicant and Applicant's attorney. An unnecessary duplication of effort and multiplication of paper will result from maintenance of the restriction. Applicant respectfully requests reconsideration of the requirement and prosecution of the application as a whole.

Respectfully submitted,



Edward H. Berkowitz  
Attorney for Applicant  
Registration No. 27,771

Date: June 30, 2005

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